

# **2013 DRAFTING REQUEST**

## **Bill**

Received:	<b>9/12/2012</b>	Received By:	<b>gmalaise</b>
Wanted:	<b>As time permits</b>	Same as LRB:	
For:	<b>Administration-Budget 6-2288</b>	By/Representing:	<b>Major</b>
May Contact:		Drafter:	<b>gmalaise</b>
Subject:	<b>Children - child welfare</b>	Addl. Drafters:	
		Extra Copies:	

Submit via email: **YES**  
 Requester's email:  
 Carbon copy (CC) to:

## **Pre Topic:**

DOA:.....Major, BB0190 -

## **Topic:**

Title IV-E waiver implementation

## **Instructions:**

See attached

## **Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	gmalaise 10/17/2012	evinz 9/28/2012	jfrantze 9/28/2012	_____	sbasford 9/28/2012		State S&L
/1	gmalaise 11/26/2012	evinz 10/18/2012	rschluet 10/18/2012	_____	srose 10/18/2012		State S&L
/2	gmalaise 12/5/2012	evinz 11/27/2012	rschluet 11/27/2012	_____	sbasford 11/27/2012		State S&L
/3	gmalaise	evinz	phenry	_____	lparisi		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	1/25/2013	12/5/2012	12/6/2012	_____	12/6/2012		S&L
/4	gmalaize 2/13/2013	evinz 1/28/2013	rschluet 1/28/2013	_____	srose 1/28/2013		State S&L
/5		evinz 2/13/2013	jfrantze 2/13/2013	_____	mbarman 2/13/2013		State S&L

FE Sent For:

&lt;END&gt;

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/4		evinz	rschluet	_____	srose		State
		1/28/2013	1/28/2013	_____	1/28/2013		S&L

FE Sent For:

15 ev 2/13/13 *[Signature]* *[Signature]*  
 2/13 *[Signature]* 2/13 *[Signature]*  
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/3		evinz	phenry	_____	lparisi		State

*1-18-13*

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		12/5/2012	12/6/2012	_____	12/6/2012		S&L

FE Sent For:

14 eev 1/28/13

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1/3 eev 12/5/12 1/3 eev 12/5/12

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Received: 9/12/2012 Received By: gmalaise  
Wanted: As time permits Companion to LRB:  
For: Administration-Budget 6-2288 By/Representing: Major  
May Contact: Drafter: gmalaise  
Subject: Children - child welfare Addl. Drafters:  
Extra Copies:

Submit via email: YES  
Requester's email:  
Carbon copy (CC) to:

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/1		evinz 10/18/2012	10/18/2012	_____	srose 10/18/2012		State S&L
/2		1/2 eev 11/27/12	1/2 eev 11/27/12				

FE Sent For:

<END>



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 For: **Administration-Budget 6-2288** By/Representing: **Major**  
 May Contact: Drafter: **gmalaise**  
 Subject: **Children - child welfare** Addl. Drafters:  
 Extra Copies:

Submit via email: **YES**  
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See attached

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/P1	gmalaise	evinz 9/28/2012	9/28/2012		sbasford 9/28/2012		State S&L

FE Sent For:

<END>

# **2013 DRAFTING REQUEST**

## **Bill**

Received: **9/12/2012**

Received By: **gmalaise**

Wanted: **As time permits**

Companion to LRB:

For: **Children and Families 1-4349**

By/Representing: **Bob Nikolay**

May Contact:

Drafter: **gmalaise**

Subject: **Children - child welfare**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **robert.nikolay@wisconsin.gov**

Carbon copy (CC) to:

## **Pre Topic:**

No specific pre topic given

## **Topic:**

Title IV-E waiver implementation

## **Instructions:**

See attached

## **Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	gmalaise 9/21/2012	evinz 9/28/2012	9/28/2012	_____	sbasford 9/28/2012		State S&L

FE Sent For:

<END>

**2013 DRAFTING REQUEST**

**Bill**

Received:	<b>9/12/2012</b>	Received By:	<b>gmalaise</b>
Wanted:	<b>As time permits</b>	Companion to LRB:	
For:	<b>Children and Families 1-4349</b>	By/Representing:	<b>Bob Nikolay</b>
May Contact:		Drafter:	<b>gmalaise</b>
Subject:	<b>Children - child welfare</b>	Addl. Drafters:	
		Extra Copies:	

Submit via email: **YES**  
 Requester's email: **robert.nikolay@wisconsin.gov**  
 Carbon copy (CC) to:

**Pre Topic:**

No specific pre topic given

**Topic:**

Title IV-E waiver implementation

**Instructions:**

See attached

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<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	gmalaise	/PI CCV 9/27/12 /PI SAC 9/28/12		Ph 9/28 JL 9/28			

FE Sent For:

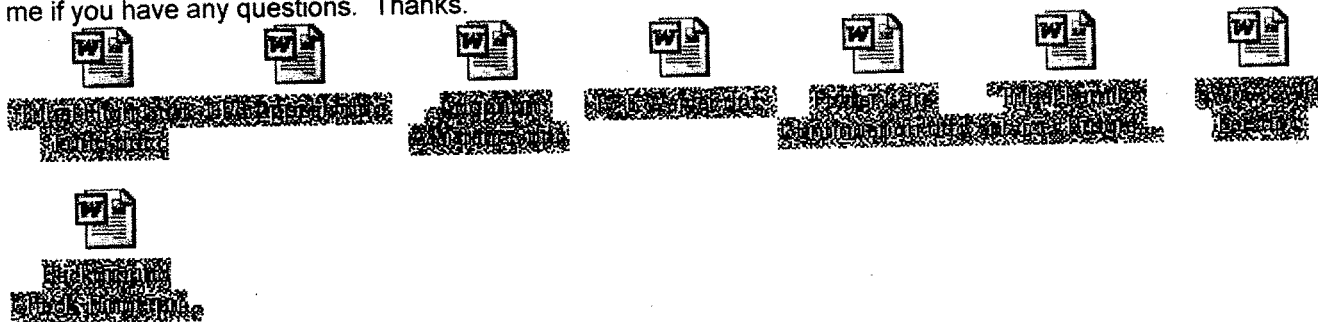
<END>

## Malaise, Gordon

---

**From:** Nikolay, Robert A - DCF <Robert.Nikolay@wisconsin.gov>  
**Sent:** Wednesday, September 12, 2012 12:22 PM  
**To:** Malaise, Gordon  
**Cc:** Hanaman, Cathlene  
**Subject:** FW: 2013-15 Biennial Budget Drafting Requests for DCF

Gordon,  
Attached are biennial budget drafting requests related to Chapter 48 and Chapter 20 Program 1 in DCF. Please contact me if you have any questions. Thanks.



Bob Nikolay  
Budget Director  
Wisconsin Department of Children & Families  
(608) 261-4349

**Department of Children and Families  
2013-15 Biennial Budget  
Statutory Language Request**

**Topic:** Title IV-E Waiver

**Current Language:**

Current appropriation language at s. 20.437(1)(cx) provides that the Department may use funding from this appropriation for providing services to children and families served by the Bureau of Milwaukee Child Welfare.

**Proposed Change:**

Modify the title and the description of the Milwaukee child welfare services aids appropriation to expand its use to include funding to be disbursed to non-Milwaukee counties to meet the terms of a federal IV-E waiver granted by the federal Department of Health and Human Services. The name change could be changed to Child welfare services; aids and the appropriation language could be expanded to include services provided to counties under the terms of the waiver granted under P.L. 112-34.

**Justification:**

The Child and Family Services Improvement and Innovation Act of 2011 [P.L. 112-34] <sup>42 USC 1320a-9</sup> A reauthorized the federal Department of Health and Human Service's Administration for Children and Families to issue up to ten Title IV-E Waivers in each federal fiscal year from FFY 12 to FFY 14.

In July 2012 the Department applied for a waiver under Title IV-E of the Social Security Act. Wisconsin's submission proposes to reduce the rate at which children re-enter out-of-home care by providing post-permanency services. Specifically, the Bureau of Milwaukee Child Welfare's (BMCW) case management contract redesign calls for case management agencies to provide post-permanency services. By requiring this service from the case management agencies, it is expected that BMCW will reduce its out-of-home care costs. Under the proposed waiver, the savings generated by BMCW will be reinvested into the balance of the state to establish post-permanency services in the non-Milwaukee counties to reduce re-entry. Approval of the waiver is expected by the end of September.

The Department does not have the authority to move GPR savings from the BMCW out-of-home care appropriation to the appropriations that provide child welfare funds to counties. The Department is requesting a modification to the statutory language for BMCW's out-of-home care appropriation [s.20.437(1)(cx)] to allow the Department the authority to be able to spend savings generated in BMCW on post-permanency services in the balance of the state. As an administrative measure, the Department has requested a separate numeric appropriation within the alpha appropriation to segregate the savings/reinvestment funding from the funding used to support BMCW.

**Desired Effective Date:** Upon enactment

**Agency Contact:** Bob Nikolay  
261-4349



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-0068/P1

GMM...

IN 9/21

RMNR eev sac

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

SA (new list) ✓  
X-ref ✓

Agency Budget Draft

gen cat

1 **AN ACT** ...; relating to: the budget.

**Analysis by the Legislative Reference Bureau**

**HEALTH AND HUMAN SERVICES**

**CHILDREN**

Under current law, Title IV-B of the federal Social Security Act permits the secretary of the federal Department of Health and Human Services (federal secretary) to authorize the states to conduct not more than ten demonstration projects to promote the objectives of Titles IV-B and E of that act. The federal secretary may authorize a state to conduct such a demonstration project only if the state identifies one or more goals for the project, which goals may include preventing the reentry of children into foster care.

This bill authorizes moneys from a general purpose revenue appropriation account for providing child welfare services in Milwaukee County to be expended for child welfare services in other counties to the extent that such a demonstration project reduces the cost of providing out-of-home care for children in Milwaukee County.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

**The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:**

1           **SECTION 1.** 20.437<sup>x</sup> (1) (cx) of the statutes is amended to read:

2           20.437 (1) (cx) ~~Milwaukee child~~ Child welfare services; aids. The amounts in  
3           the schedule for providing services to children and families under s. 48.48 (17) in a  
4           county having a population of 500,000<sup>500,000</sup> or more and, to the extent that a  
5           demonstration project authorized under 42 USC 1320a-9 reduces the cost of  
6           providing out-of-home care for children in that county, for services for children and  
7           families under s. 48.563 in other counties.

History: 2007 a. 20 ss. 331, 335, 340, 341, 342, 344 to 352, 354 to 368g, 374 to 376, 380, 381, 401, 404, 405, 423 to 437, 447, 448, 450, 451, 453, 453p, 454, 456 to 458, 460e, 463, 465 to 472, 474 to 480, 9121 (6) (a); 2009 a. 28 ss. 471 to 513, 522; 2009 a. 76, 180, 185, 265, 339; 2011 a. 32, 258.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

8           **SECTION 2.** 48.563<sup>x</sup> (1) (a) of the statutes is amended to read:

9           48.563 (1) (a) Within the limits of available federal funds and of the  
10          appropriations under s. 20.437 (1) (b), (cx), (km), and (o), the department shall  
11          distribute funds for children and family services to county departments as provided  
12          in subs. (2), (3), and (7m) and s. 48.986.

History: 2007 a. 20 ss. 1097, 1098, 1102, 1103, 1287, 121 (6) (a); 2009 a. 28, 94; 2011 a. 32.

13          **SECTION 3.** 48.569 (1) (am) of the statutes is amended to read:

14          48.569 (1) (am) The department shall reimburse each county from the  
15          appropriations under s. 20.437 (1) (b), (cx), (km), and (o) for children and family  
16          services as approved by the department under ss. 46.22 (1) (b) 2. f. and (e) 3. b.

History: 2007 a. 20; 2009 a. 28; 2011 a. 32.

17          **SECTION 4.** 48.569<sup>x</sup> (1) (d) of the statutes is amended to read:

18          48.569 (1) (d) From the appropriations under s. 20.437 (1) (b), (cx), (km), and  
19          (o), the department shall distribute the funding for children and family services,  
20          including funding for foster care or subsidized guardianship care of a child on whose  
21          behalf aid is received under s. 48.645 to county departments as provided under s.  
22          48.563. County matching funds are required for the distribution under s. 48.563 (2).



1 Each county's required match for the distribution under s. 48.563 (2) shall be  
2 specified in a schedule established annually by the department. Matching funds  
3 may be from county tax levies, federal and state revenue sharing funds, or private  
4 donations to the county that meet the requirements specified in sub. (1m). Private  
5 donations may not exceed 25 percent of the total county match. If the county match  
6 is less than the amount required to generate the full amount of state and federal  
7 funds distributed for this period, the decrease in the amount of state and federal  
8 funds equals the difference between the required and the actual amount of county  
9 matching funds.

History: 2007 a. 20; 2009 a. 28; 2011 a. 32.

(END)

## Malaise, Gordon

---

**From:** Hanaman, Cathlene  
**Sent:** Wednesday, October 17, 2012 3:41 PM  
**To:** Malaise, Gordon  
**Subject:** FW: [Possible SPAM] Statutory Language Drafting Request - BB0190  
**Importance:** Low

**From:** [katrina.major@wisconsin.gov](mailto:katrina.major@wisconsin.gov) [<mailto:katrina.major@wisconsin.gov>]  
**Sent:** Wednesday, October 17, 2012 3:41 PM  
**To:** Hanaman, Cathlene  
**Cc:** Kraus, Jennifer - DOA; Major, Katrina L - DOA; Thornton, Scott - DOA  
**Subject:** [Possible SPAM] Statutory Language Drafting Request - BB0190  
**Importance:** Low

**Biennial Budget:** 2013-15

**DOA Tracking Code:** BB0190

**Topic:** IV-E waiver

**SBO Team:** GGCF

**SBO Analyst:** Major, Katrina L - DOA  
**Phone:** 608-266-2288  
**E-mail:** [katrina.major@wisconsin.gov](mailto:katrina.major@wisconsin.gov)

**Agency Acronym:** DCF

**Agency Number:** 437

**Priority:** Medium

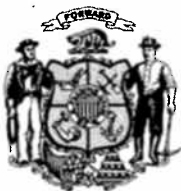
**Intent:**

modify language to reflect IV-E waiver

DCF draft 68

**Attachments:** False

*Please send completed drafts to [statlanguage@wisapps.wi.gov](mailto:statlanguage@wisapps.wi.gov)*



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-0068/R  
GMM:ev&sae:jf  
eev

SN 16/17

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

DN-1E

don't gen

- 1 AN ACT *to amend* 20.437 (1) (cx), 48.563 (1) (a), 48.569 (1) (am) and 48.569 (1)  
2 (d) of the statutes; **relating to:** the budget.

---

*Analysis by the Legislative Reference Bureau*  
**HEALTH AND HUMAN SERVICES**

**CHILDREN**

Under current law, Title IV-B of the federal Social Security Act permits the secretary of the federal Department of Health and Human Services (federal secretary) to authorize the states to conduct not more than ten demonstration projects to promote the objectives of Titles IV-B and E of that act. The federal secretary may authorize a state to conduct such a demonstration project only if the state identifies one or more goals for the project. Under Title IV-B, those goals may include preventing the reentry of children into foster care.

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          \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
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8           **SECTION 2.** 48.563 (1) (a) of the statutes is amended to read:

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5 is less than the amount required to generate the full amount of state and federal  
6 funds distributed for this period, the decrease in the amount of state and federal  
7 funds equals the difference between the required and the actual amount of county  
8 matching funds.

9 (END)

## Malaise, Gordon

---

**From:** Major, Katrina L - DOA <Katrina.Major@wisconsin.gov>  
**Sent:** Wednesday, November 21, 2012 5:10 PM  
**To:** Malaise, Gordon  
**Cc:** Kraus, Jennifer - DOA  
**Subject:** RE: 0068/1

Thanks Gordon. Could you please change both the provision and the cross reference to the 750k to be consistent please?

---

**From:** Malaise, Gordon [<mailto:Gordon.Malaise@legis.wisconsin.gov>]  
**Sent:** Wednesday, November 21, 2012 1:46 PM  
**To:** Major, Katrina L - DOA  
**Subject:** RE: 0068/1

Katie:

The provision cross referenced, s. 48.48 (17), refers to a county having a population of 500,000 or more, so I think that s. 20.437 (1) (cx) should be consistent with s. 48.48 (17).

What's going on here is that everybody knows that "county having a population of 500,000 or more" means Milwaukee County, but Dane County is on the verge of going over 500,000, which is not the intent. So, this will have to be dealt with across the board, but not in the budget. A few statutes created last session use 750,000, but there are hundreds of others out there that will also have to be conformed.

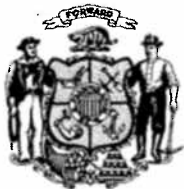
Gordon

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**From:** Major, Katrina L - DOA [<mailto:Katrina.Major@wisconsin.gov>]  
**Sent:** Wednesday, November 21, 2012 1:28 PM  
**To:** Malaise, Gordon  
**Cc:** Kraus, Jennifer - DOA  
**Subject:** 0068/1

Hi Gordon, this draft on the IV-E waiver talks about a county of 500k, but the rest of my drafts use 750k. If there's not a reason for this difference, can you please change it to 750k?

Thanks,  
Katie



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-0068/1  
GMM:eev&sa:rs

IN 11/26  
DNOTE

eev

DOA:.....Major, BB0190 - Title IV-E waiver implementation

**FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION**

SAJ  
xref

- 1 **AN ACT** *regen* **to amend** 20.437 (1) (cx), 48.563 (1) (a), 48.569 (1) (am) and 48.569 (1)  
2 (d) of the statutes; **relating to:** the budget.

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*Analysis by the Legislative Reference Bureau*

**HEALTH AND HUMAN SERVICES**

**CHILDREN**

Under current law, Title IV-B of the federal Social Security Act permits the secretary of the federal Department of Health and Human Services (federal secretary) to authorize the states to conduct not more than ten demonstration projects to promote the objectives of Titles IV-B and E of that act. The federal secretary may authorize a state to conduct such a demonstration project only if the state identifies one or more goals for the project. Under Title IV-B, those goals may include preventing the reentry of children into foster care.

This bill authorizes moneys from a general purpose revenue appropriation account for providing child welfare services in Milwaukee County to be expended for child welfare services in other counties to the extent that such a demonstration project reduces the cost of providing out-of-home care for children in Milwaukee County.

750,000

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1        **SECTION 1.** 20.437 (1) (cx) of the statutes is amended to read:

2        20.437 (1) (cx) ~~Milwaukee child~~ Child welfare services; aids. The amounts in  
3        the schedule for providing services to children and families under s. 48.48 (17) in a  
4        county having a population of 500,000 or more and, to the extent that a  
5        demonstration project authorized under 42 USC 1320a-9 reduces the cost of  
6        providing out-of-home care for children in that county, for services for children and  
7        families under s. 48.563 in other counties.

Insert  
2-7  
\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

8        **SECTION 2.** 48.563 (1) (a) of the statutes is amended to read:

9        48.563 (1) (a) Within the limits of available federal funds and of the  
10        appropriations under s. 20.437 (1) (b), (cx), (km), and (o), the department shall  
11        distribute funds for children and family services to county departments as provided  
12        in subs. (2), (3), and (7m) and s. 48.986.

13        **SECTION 3.** 48.569 (1) (am) of the statutes is amended to read:

14        48.569 (1) (am) The department shall reimburse each county from the  
15        appropriations under s. 20.437 (1) (b), (cx), (km), and (o) for children and family  
16        services as approved by the department under ss. 46.22 (1) (b) 2. f. and (e) 3. b.

17        **SECTION 4.** 48.569 (1) (d) of the statutes is amended to read:

18        48.569 (1) (d) From the appropriations under s. 20.437 (1) (b), (cx), (km), and  
19        (o), the department shall distribute the funding for children and family services,  
20        including funding for foster care or subsidized guardianship care of a child on whose



1      behalf aid is received under s. 48.645 to county departments as provided under s.  
2      48.563. County matching funds are required for the distribution under s. 48.563 (2).  
3      Each county's required match for the distribution under s. 48.563 (2) shall be  
4      specified in a schedule established annually by the department. Matching funds  
5      may be from county tax levies, federal and state revenue sharing funds, or private  
6      donations to the county that meet the requirements specified in sub. (1m). Private  
7      donations may not exceed 25 percent of the total county match. If the county match  
8      is less than the amount required to generate the full amount of state and federal  
9      funds distributed for this period, the decrease in the amount of state and federal  
10     funds equals the difference between the required and the actual amount of county  
11     matching funds.

(END)

11  
12  
Insert  
3-11

d-note

**2013-2014 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0068/2ins  
GMM.....

(INSERT 2-7)

1           **SECTION 1.** 46.21<sup>X</sup> (1) (d) of the statutes is amended to read:

2           46.21 (1) (d) "Human services" means the total range of services to people,  
3 including mental illness treatment, developmental disabilities services, physical  
4 disabilities services, income maintenance, youth probation, extended supervision  
5 and parole services, alcohol and drug abuse services, services to children, youth and  
6 families, family counseling, early intervention services for children from birth to the  
7 age of 3, and manpower services. "Human services" does not include child welfare  
8 services administered by the department of children and families under s. 48.48 (17)  
9 ~~administered by the department in a county having a population of 500,000 or more.~~

**History:** 1973 c. 136, 153, 262; 1975 c. 224; 1975 c. 413 s. 18; 1977 c. 271, 272, 449; 1979 c. 34; 1981 c. 217, 329, 391; 1983 a. 27, 239, 368, 524; 1985 a. 29 s. 3202 (23); 1985 a. 120, 176, 332; 1987 a. 399; 1989 a. 31, 112, 319; 1991 a. 274; 1993 a. 27, 186, 213, 446; 1995 a. 27, 77, 201; 1997 a. 27, 79, 164, 237, 283; 1999 a. 9; 2005 a. 264, 388, 443; 2007 a. 20, 45; 2009 a. 28, 180; 2011 a. 32.

10           **SECTION 2.** 46.215<sup>X</sup> (1) (intro.) of the statutes is amended to read:

11           46.215 (1) CREATION; POWERS AND DUTIES. (intro.) ~~In~~ Except as provided in ss.  
12 49.155 (3g), 49.78 (1r), 49.825, and 49.826, in a county with a population of 500,000  
13 or more the administration of welfare services, other than child welfare services  
14 administered by the department of children and families under s. 48.48 (17)  
15 ~~administered by the department and except as provided in ss. 49.155 (3g), 49.78 (1r),~~  
16 ~~49.825, and 49.826,~~ is vested in a county department of social services under the  
17 jurisdiction of the county board of supervisors under s. 46.21 (2m) (b) 1. a. Any  
18 reference in any law to a county department of social services under this section  
19 applies to a county department under s. 46.21 (2m) in its administration under s.  
20 46.21 (2m) of the powers and duties of the county department of social services.  
21 Except as provided in ss. 49.155 (3g), 49.78 (1r), 49.825, and 49.826, the county

department of social services shall have the following functions, duties, and powers,  
and such other welfare functions as may be delegated to it:

**History:** 1971 c. 218; 1973 c. 90, 147, 333, 336; 1975 c. 39, 307, 421; 1977 c. 29, 271, 418; 1979 c. 34; 1981 c. 20 ss. 867m to 870, 2202 (20) (j); 1981 c. 81, 329; 1983 a. 27 ss. 1080, 2202 (20); 1983 a. 190 s. 7; 1983 a. 193; 1985 a. 29, 120; 1985 a. 176 ss. 322 to 332; Stats. 1985 s. 46.215; 1987 a. 27; 1987 a. 403 s. 256; 1989 a. 31, 107, 336, 359; 1991 a. 39, 274; 1993 a. 16; 1995 a. 27 ss. 2063 to 2076, 9126 (19), 9130 (4); 1995 a. 64, 77, 201, 225, 289, 352, 404, 417; 1997 a. 3, 27, 35, 252; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25, 264, 388, 406; 2007 a. 20 ss. 848 to 856, 9121 (6) (a); 2007 a. 45, 96; 2009 a. 15, 28, 180, 334; 2011 a. 32.

**SECTION 3.** 48.06 (1) (title) of the statutes is amended to read:

48.06 (1) (title) COUNTIES WITH A POPULATION OF ~~500,000~~ 750,000 OR MORE.

**History:** 1971 c. 125; 1975 c. 39, 199, 302, 307, 422; 1977 c. 271; 1977 c. 354 ss. 10 to 14, 101; 1977 c. 447, 449; 1979 c. 34, 300; 1981 c. 20 s. 2202 (20) (o); 1981 c. 93 s. 186; 1981 c. 314, 329; 1983 a. 239; 1985 a. 29, 176; 1987 a. 151, 399; 1991 a. 274; 1995 a. 27; 1997 a. 27, 80, 292; 2001 a. 61; 2007 a. 20.

**SECTION 4.** 48.06 (1) (a) 1. of the statutes is amended to read:

48.06 (1) (a) 1. In counties with a population of ~~500,000~~ 750,000 or more, the department shall provide the court with the services necessary for investigating and supervising child welfare and unborn child welfare cases under this chapter. The department is charged with providing child welfare and unborn child welfare intake and dispositional services and with administration of the personnel and services of the child welfare and unborn child welfare intake and dispositional sections of the department. The department shall include investigative services for all children and unborn children alleged to be in need of protection or services to be provided by the department.

**History:** 1971 c. 125; 1975 c. 39, 199, 302, 307, 422; 1977 c. 271; 1977 c. 354 ss. 10 to 14, 101; 1977 c. 447, 449; 1979 c. 34, 300; 1981 c. 20 s. 2202 (20) (o); 1981 c. 93 s. 186; 1981 c. 314, 329; 1983 a. 239; 1985 a. 29, 176; 1987 a. 151, 399; 1991 a. 274; 1995 a. 27; 1997 a. 27, 80, 292; 2001 a. 61; 2007 a. 20.

**SECTION 5.** 48.06 (2) (title) of the statutes is amended to read:

48.06 (2) (title) COUNTIES WITH A POPULATION UNDER ~~500,000~~ 750,000.

**History:** 1971 c. 125; 1975 c. 39, 199, 302, 307, 422; 1977 c. 271; 1977 c. 354 ss. 10 to 14, 101; 1977 c. 447, 449; 1979 c. 34, 300; 1981 c. 20 s. 2202 (20) (o); 1981 c. 93 s. 186; 1981 c. 314, 329; 1983 a. 239; 1985 a. 29, 176; 1987 a. 151, 399; 1991 a. 274; 1995 a. 27; 1997 a. 27, 80, 292; 2001 a. 61; 2007 a. 20.

**SECTION 6.** 48.06 (2) (a) of the statutes is amended to read:

48.06 (2) (a) In counties having less than ~~500,000~~ 750,000 population, the county board of supervisors shall authorize the county department or court or both to provide intake services required by s. 48.067 and the staff needed to carry out the objectives and provisions of this chapter under s. 48.069. Intake services shall be provided by employees of the court or county department and may not be

1 subcontracted to other individuals or agencies, except any county which had intake  
2 services subcontracted from the county sheriff's department on April 1, 1980, may  
3 continue to subcontract intake services from the county sheriff's department. Intake  
4 workers shall be governed in their intake work, including their responsibilities for  
5 recommending the filing of a petition and entering into an informal disposition, by  
6 general written policies which shall be formulated by the circuit judges for the  
7 county, subject to the approval of the chief judge of the judicial administrative  
8 district.

History: 1971 c. 125; 1975 c. 39, 199, 302, 307, 422; 1977 c. 271; 1977 c. 354 ss. 10 to 14, 101; 1977 c. 447, 449; 1979 c. 34, 300; 1981 c. 20 s. 2202 (20) (o); 1981 c. 93 s. 186; 1981 c. 314, 329; 1983 a. 239; 1985 a. 29, 46; 1987 a. 151, 399; 1991 a. 274; 1995 a. 27; 1997 a. 27, 80, 292; 2001 a. 61; 2007 a. 20.

9 **SECTION 7. 48.06 (3) of the statutes is amended to read:**

10 48.06 (3) INTAKE SERVICES. The court, the department in a county having a  
11 population of ~~500,000~~ 750,000 or more or the county department responsible for  
12 providing intake services under s. 48.067 shall specify one or more persons to provide  
13 intake services. If there is more than one such worker, one of the workers shall be  
14 designated as chief worker and shall supervise other workers.

History: 1971 c. 125; 1975 c. 39, 199, 302, 307, 422; 1977 c. 271; 1977 c. 354 ss. 10 to 14, 101; 1977 c. 447, 449; 1979 c. 34, 300; 1981 c. 20 s. 2202 (20) (o); 1981 c. 93 s. 186; 1981 c. 314, 329; 1983 a. 239; 1985 a. 29, 46; 1987 a. 151, 399; 1991 a. 274; 1995 a. 27; 1997 a. 27, 80, 292; 2001 a. 61; 2007 a. 20.

15 **SECTION 8. 48.06 (4) of the statutes is amended to read:**

16 48.06 (4) STATE AID. State aid to any county for court services under this section  
17 shall be at the same net effective rate that each county is reimbursed for county  
18 administration under s. 48.569. Counties having a population of less than 500,000  
19 750,000 may use funds received under s. 48.569 (1) (d), including county or federal  
20 revenue sharing funds allocated to match funds received under s. 48.569 (1) (d), for  
21 the cost of providing court attached intake services in amounts not to exceed 50% of

50 percent

1 the cost of providing court attached intake services or \$30,000 per county per  
2 calendar year, whichever is less.

**History:** 1971 c. 125; 1975 c. 39, 199, 302, 307, 422; 1977 c. 271; 1977 c. 354 ss. 10 to 14, 101; 1977 c. 447, 449; 1979 c. 34, 300; 1981 c. 20 s. 2202 (20) (o); 1981 c. 93 s. 186; 1981 c. 314, 329; 1983 a. 239; 1985 a. 29, 126, 1987 a. 151, 399; 1991 a. 274; 1995 a. 27; 1997 a. 27, 80, 292; 2001 a. 61; 2007 a. 20.

3 **SECTION 9. 48.069 (1) (intro.) of the statutes is amended to read:**

4 48.069 (1) (intro.) The staff of the department, the court, a county department  
5 or a licensed child welfare agency designated by the court to carry out the objectives  
6 and provisions of this chapter, or, in a county having a population of ~~500,000~~ 750,000  
7 or more, the department or an agency under contract with the department to provide  
8 dispositional services, shall:

**History:** 1977 c. 354; 1979 c. 300; 1985 a. 176; 1989 a. 31, 107; 1993 a. 98, 385; 1995 a. 27 ss. 2428m, 2428p, 9126 (19); 1995 a. 77; 1997 a. 27, 292.

9 **SECTION 10. 48.069 (2) of the statutes is amended to read:**

10 48.069 (2) Except in a county having a population of ~~500,000~~ 750,000 or more,  
11 licensed child welfare agencies and the department shall provide services under this  
12 section only upon the approval of the agency from whom services are requested. In  
13 a county having a population of ~~500,000~~ 750,000 or more, the department or, with the  
14 approval of the department, a licensed child welfare agency shall provide services  
15 under this section.

**History:** 1977 c. 354; 1979 c. 300; 1985 a. 176; 1989 a. 31, 107; 1993 a. 98, 385; 1995 a. 27 ss. 2428m, 2428p, 9126 (19); 1995 a. 77; 1997 a. 27, 292.

16 **SECTION 11. 48.069 (3) of the statutes is amended to read:**

17 48.069 (3) A court or county department responsible for disposition staff or, in  
18 a county having a population of ~~500,000~~ 750,000 or more, the department may agree  
19 with the court or county department responsible for providing intake services that  
20 the disposition staff may be designated to provide some or all of the intake services.

**History:** 1977 c. 354; 1979 c. 300; 1985 a. 176; 1989 a. 31, 107; 1993 a. 98, 385; 1995 a. 27 ss. 2428m, 2428p, 9126 (19); 1995 a. 77; 1997 a. 27, 292.

21 **SECTION 12. 48.48 (16m) of the statutes is amended to read:**

22 48.48 (16m) To employ under the unclassified service in an office of the  
23 department that is located in a 1st class city a director of the office of urban

development who shall be appointed by the secretary to serve at the pleasure of the secretary and who shall coordinate the provision of child welfare services in a county having a population of ~~500,000~~ 750,000 or more with the implementation of the Wisconsin works program under ss. 49.141 to 49.161 in a county having a population of ~~500,000~~ 750,000 or more.

**History:** 1973 c. 90, 333; 1977 c. 29; 1977 c. 83 s. 26; 1977 c. 354, 418, 447, 449; 1979 c. 34 ss. 833m, 834, 2102 (20) (a); 1979 c. 221, 300; 1983 a. 27 s. 2202 (20); 1983 a. 189 s. 329 (17); 1983 a. 447; 1985 a. 135, 176; 1985 a. 332 s. 251 (3); 1987 a. 339; 1989 a. 31, 107, 359; 1991 a. 316; 1993 a. 16, 375, 385, 446, 491; 1995 a. 27 ss. 2526 to 2534m, 9126 (19), 9145 (1); 1995 a. 77; 1997 a. 27, 35, 80, 105, 292; 1999 a. 9; 2001 a. 38, 59, 69; 2005 a. 25, 293; 2007 a. 20; 2009 a. 28, 71, 94, 180, 185; 2011 a. 258; s. 35.17 correction in (17) (c) 3.

**SECTION 13.** 48.48 (17) (a) (intro.) of the statutes is amended to read:

48.48 (17) (a) (intro.) In a county having a population of ~~500,000~~ 750,000 or more, to administer child welfare services and to expend such amounts as may be necessary out of any moneys which may be appropriated for child welfare services by the legislature, which may be donated by individuals or private organizations or which may be otherwise provided. The department shall also have authority to do all of the following:

**History:** 1973 c. 90, 333; 1977 c. 29; 1977 c. 83 s. 26; 1977 c. 354, 418, 447, 449; 1979 c. 34 ss. 833m, 834, 2102 (20) (a); 1979 c. 221, 300; 1983 a. 27 s. 2202 (20); 1983 a. 189 s. 329 (17); 1983 a. 447; 1985 a. 135, 176; 1985 a. 332 s. 251 (3); 1987 a. 339; 1989 a. 31, 107, 359; 1991 a. 316; 1993 a. 16, 375, 385, 446, 491; 1995 a. 27 ss. 2526 to 2534m, 9126 (19), 9145 (1); 1995 a. 77; 1997 a. 27, 35, 80, 105, 292; 1999 a. 9; 2001 a. 38, 59, 69; 2005 a. 25, 293; 2007 a. 20; 2009 a. 28, 71, 94, 180, 185; 2011 a. 258; s. 35.17 correction in (17) (c) 3.

**SECTION 14.** 48.56 (title) of the statutes is amended to read:

**48.56 (title) Child welfare services in counties having populations of less than ~~500,000~~ 750,000.**

**History:** 1975 c. 307; 1977 c. 271; 1985 a. 176; 1991 a. 160; 1997 a. 27.

**SECTION 15.** 48.56 (1) of the statutes is amended to read:

48.56 (1) Each county having a population of less than ~~500,000~~ 750,000 shall provide child welfare services through its county department.

**History:** 1975 c. 307; 1977 c. 271; 1985 a. 176; 1991 a. 160; 1997 a. 27.

**SECTION 16.** 48.561 (title) of the statutes is amended to read:

**48.561 (title) Child welfare services in a county having a population of ~~500,000~~ 750,000 or more.**

**History:** 1997 a. 27, 237; 1999 a. 9; 2001 a. 16; 2007 a. 20; 2011 a. 32.

**SECTION 17.** 48.561 (1) of the statutes is amended to read:

1           48.561 (1) The department shall provide child welfare services in a county  
2           having a population of ~~500,000~~ 750,000 or more.

History: 1997 a. 27, 237; 1999 a. 9; 2001 a. 16; ~~2007~~ a. 20; 2011 a. 32.

3           **SECTION 18.** 48.561 (2) of the statutes is amended to read:

4           48.561 (2) The department shall employ personnel in a county having a  
5           population of ~~500,000~~ 750,000 or more who devote all of their time directly or  
6           indirectly to child welfare services. Whenever possible, these personnel shall be  
7           social workers certified under ch. 457.

History: 1997 a. 27, 237; 1999 a. 9; 2001 a. 16; ~~2007~~ a. 20; 2011 a. 32.

8           **SECTION 19.** 48.561 (3) (a) (intro.) of the statutes is amended to read:

9           48.561 (3) (a) (intro.) A county having a population of ~~500,000~~ 750,000 or more  
10          shall contribute \$58,893,500 in each state fiscal year for the provision of child welfare  
11          services in that county by the department. That contribution shall be made as  
12          follows:

History: 1997 a. 27, 237; 1999 a. 9; 2001 a. 16; ~~2007~~ a. 20; 2011 a. 32.

13          **SECTION 20.** 48.561 (3) (b) of the statutes is amended to read:

14          48.561 (3) (b) The department of administration shall collect the amount  
15          specified in par. (a) 3. from a county having a population of ~~500,000~~ 750,000 or more  
16          by deducting all or part of that amount from any state payment due that county  
17          under s. 79.035, 79.04, or 79.08. The department of administration shall notify the  
18          department of revenue, by September 15 of each year, of the amount to be deducted  
19          from the state payments due under s. 79.035, 79.04, or 79.08. The department of  
20          administration shall credit all amounts collected under this paragraph to the  
21          appropriation account under s. 20.437 (1) (kw) and shall notify the county from which  
22          those amounts are collected of that collection. The department may not expend any  
23          moneys from the appropriation account under s. 20.437 (1) (cx) for providing services

1 to children and families under s. 48.48 (17) until the amounts in the appropriation  
2 account under s. 20.437 (1) (kw) are exhausted.

**History:** 1997 a. 27, 237; 1999 a. 9; 2001 a. 16; 2007 a. 20; 2011 a. 32.

(END OF INSERT)

(INSERT 3-11)

3 **SECTION 21.** ~~48.645~~<sup>48</sup> (2) (a) 2. of the statutes is amended to read:

4 48.645 (2) (a) 2. A county or, in a county having a population of ~~500,000~~ 750,000  
5 or more, the department, on behalf of a child in the legal custody of a county  
6 department under s. 46.215, 46.22, or 46.23 or the department under s. 48.48 (17) or  
7 on behalf of a child who was removed from the home of a relative as a result of a  
8 judicial determination that continuance in the home of a relative would be contrary  
9 to the child's welfare for any reason when the child is placed in a licensed residential  
10 care center for children and youth by the county department or the department.  
11 Reimbursement shall be made by the state as provided in subd. 1.

**History:** 2007 a. 20 ss. 894 to 903; Stats. 2007 s. ~~48.645~~<sup>48</sup>; 2007 a. 97 s. 61; 2009 a. 28, 94, 180; 2011 a. 32.

12 **SECTION 22.** ~~48.645~~ (2) (a) 3. of the statutes is amended to read:

13 48.645 (2) (a) 3. A county or, in a county having a population of ~~500,000~~ 750,000  
14 or more, the department, when the child is placed in a licensed foster home, group  
15 home, or residential care center for children and youth or in a subsidized  
16 guardianship home by a licensed child welfare agency or by a governing body of an  
17 Indian tribe in this state or by its designee, if the child is in the legal custody of the  
18 county department under s. 46.215, 46.22, or 46.23 or the department under s. 48.48  
19 (17) or if the child was removed from the home of a relative as a result of a judicial  
20 determination that continuance in the home of the relative would be contrary to the



1 child's welfare for any reason and the placement is made under an agreement with  
2 the county department or the department.

3 **History:** 2007 a. 20 ss. 894 to 903; Stats. 2007 ~~48~~ 48.645; 2007 a. 97 s. 61; 2009 a. 28, 94, 180; 2011 a. 32.

3 **SECTION 23.** 938.06 (1) (title) of the statutes is amended to read:

4 938.06 (1) (title) COUNTIES WITH A POPULATION OF ~~500,000~~ 750,000 OR MORE.

5 **History:** 1995 a. 77; 1997 a. 27, 205, 239; 2001 a. ~~64~~ 64; 2005 a. 344; 2007 a. 20.

5 **SECTION 24.** 938.06 (1) (a) 1. of the statutes is amended to read:

6 938.06 (1) (a) 1. In counties with a population of ~~500,000~~ 750,000 or more, the  
7 county board of supervisors shall provide the court with the services necessary for  
8 investigating and supervising cases under this chapter by operating a children's  
9 court center under the supervision of a director who is appointed as provided in s.  
10 46.21 (1m) (a). Except as otherwise provided in this subsection, the director is the  
11 chief administrative officer of the center and of the intake and probation sections and  
12 juvenile detention facilities of the center. The director is responsible for managing  
13 the personnel of, and administering the services of, the sections and the juvenile  
14 detention facilities, and for supervising operation of the physical plant and  
15 maintenance and improvement of the buildings and grounds of the center.

16 **History:** 1995 a. 77; 1997 a. 27, 205, 239; 2001 a. ~~64~~ 64; 2005 a. 344; 2007 a. 20.

16 **SECTION 25.** 938.06 (2) (title) of the statutes is amended to read:

17 938.06 (2) (title) COUNTIES WITH A POPULATION UNDER ~~500,000~~ 750,000.

18 **History:** 1995 a. 77; 1997 a. 27, 205, 239; 2001 a. ~~61~~ 61; 2005 a. 344; 2007 a. 20.

18 **SECTION 26.** 938.06 (2) (a) of the statutes is amended to read:

19 938.06 (2) (a) In counties having less than ~~500,000~~ 750,000 population, the  
20 county board of supervisors shall authorize the county department or the court, or  
21 both, to provide intake services under s. 938.067 and the staff needed to provide  
22 dispositional services under s. 938.069. Intake services shall be provided by  
23 employees of the court or the county department and may not be subcontracted to

1 other individuals or agencies, except as provided in par. (am). Intake workers shall  
2 be governed in their intake work, including their responsibilities for requesting the  
3 filing of a petition and entering into a deferred prosecution agreement, by general  
4 written policies established by the circuit judges for the county, subject to the  
5 approval of the chief judge of the judicial administrative district.

History: 1995 a. 77; 1997 a. 27, 205, 239; 2001 a. 61; 2005 a. 344; 2007 a. 20.

6 **SECTION 27. 938.06 (4)** of the statutes is amended to read:

7 938.06 (4) STATE AID. State aid to any county for juvenile delinquency-related  
8 court services under this section shall be at the same net effective rate that each  
9 county is reimbursed for county administration under s. 48.569, except as provided  
10 in s. 301.26. Counties having a population of less than ~~500,000~~ 750,000 may use  
11 funds received under ss. 48.569 (1) (d) and 301.26, including county or federal  
12 revenue sharing funds allocated to match funds received under s. 48.569 (1) (d), for  
13 the cost of providing court attached intake services in amounts not to exceed ~~50%~~ of  
14 the cost of providing court attached intake services or \$30,000 per county per  
15 calendar year, whichever is less.

History: 1995 a. 77; 1997 a. 27, 205, 239; 2001 a. 61; 2005 a. 344; 2007 a. 20.

(END OF INSERT)

50 percent

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0068/2dn

GMM.....

*eev*

*date*

Katie:

This draft goes beyond merely conforming s. 48.48 (17) (a) (intro.) because that provision or "child welfare services" under that provision are referred to in other provisions as well. Then those other provisions are referred to in yet other provisions and so on.

Accordingly, we can make the change piecemeal, but the real solution is to enact a bill that makes the change across the board.

Gordon M. Malaise  
Senior Legislative Attorney  
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**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-0068/2dn

GMM:eev:rs

November 27, 2012

Katie:

This draft goes beyond merely conforming s. 48.48 (17) (a) (intro.) because that provision or "child welfare services" under that provision are referred to in other provisions as well. Then those other provisions are referred to in yet other provisions and so on.

Accordingly, we can make the change piecemeal, but the real solution is to enact a bill that makes the change across the board.

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## Malaise, Gordon

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**From:** Major, Katrina L - DOA <Katrina.Major@wisconsin.gov>  
**Sent:** Tuesday, December 04, 2012 4:01 PM  
**To:** Malaise, Gordon  
**Cc:** Kraus, Jennifer - DOA  
**Subject:** 0068

Hi Gordon, I copied the text below from an email from DCF regarding the IV-E waiver draft. I agree with DCF that we would want to limit it to the post-reunification services covered under the waiver. The concern with the limit not allowing them to spend the additional funds also makes sense to me. See what you think, and feel free to touch base on it. Thanks! Katie

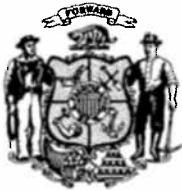
The statutes at s. 48.565(2) specifies that the Department shall not distribute more than \$66,475,500. My read of the current draft is that we can use funds in the modified appropriation under s. 20.437(1)(cx) generated from the waiver in Milwaukee for any services for children and families under the CFA. In addition, the draft adds this modified appropriation to the list of current appropriations that that are used to fund the CFA. I see two issues with the draft:

(1) The draft does not change the basic county allocation amount, so we would still be limited to the \$66.5 million specified in the statutes for the BCA. We want to be able to spend more than the CFA in the counties if we generate the savings in BMCW.

(2) The language would allow the counties to spend these GPR funds on any service covered under the CFA. It would not be limited to the post-reunification services covered under the waiver. While I am generally in favor of statutory flexibility, in this case it might be better to clarify the use of these funds in the statutes so counties could not argue that these funds can be used for any county child welfare costs.

My solution would be to create a separate provision in s. 48.563, similar to the current provision related to tribal child care that specifies an amount and appropriation for the tribal child care program. However, instead of specifying an amount, the section could reference amounts saved under the waiver. For example,

*48.563(3m). Post-Reunification Services. For post-reunification services authorized under 42 USC 1320a-9, the Department may distribute from the appropriations under s. 20.437(1)(cx) and (o) the savings generated in each fiscal year from the demonstration project authorized 42 USC 1320a-9 in a county having a population of 750,000 or more to county departments.*



State of Wisconsin  
2013 - 2014 LEGISLATURE

In 12/5



LRB-0068/2

GMM:eev:rs

Stays

3  
242

DOA:.....Major, BB0190 - Title IV-E waiver implementation

**FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION**

- 1 AN ACT *to amend* 20.437 (1) (cx), 48.563 (1) (a), 48.569 (1) (am) and 48.569 (1)  
2 (d) of the statutes; **relating to:** the budget.

Do not  
Revert

*Analysis by the Legislative Reference Bureau*

**HEALTH AND HUMAN SERVICES**

**CHILDREN**

Under current law, Title IV-B of the federal Social Security Act permits the secretary of the federal Department of Health and Human Services (federal secretary) to authorize the states to conduct not more than ten demonstration projects to promote the objectives of Titles IV-B and E of that act. The federal secretary may authorize a state to conduct such a demonstration project only if the state identifies one or more goals for the project. Under Title IV-B, those goals may include preventing the reentry of children into foster care.

This bill authorizes ~~moneys from a general purpose revenue appropriation account for providing child welfare services in Milwaukee County to be expended for child welfare services in other counties to the extent that~~ such a demonstration project reduces the cost of providing out-of-home care for children in Milwaukee County.

DCF to distribute  
the amount by  
which

to other counties for services for children and families to  
prevent the reentry of children into out-of-home care

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1       **SECTION 1.** 20.437 (1) (cx) of the statutes is amended to read:

2       20.437 (1) (cx) ~~Milwaukee-child~~ Child welfare services; aids. The amounts in  
3       the schedule for providing services to children and families under s. 48.48 (17) in a  
4       county having a population of 750,000 or more and, to the extent that a  
5       demonstration project authorized under 42 USC 1320a-9 reduces the cost of  
6       providing out-of-home care for children in that county, for services for children and  
7       families under s. 48.563<sup>(4)</sup> in other counties.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

8       **SECTION 2.** 46.21 (1) (d) of the statutes is amended to read:

9       46.21 (1) (d) "Human services" means the total range of services to people,  
10      including mental illness treatment, developmental disabilities services, physical  
11      disabilities services, income maintenance, youth probation, extended supervision  
12      and parole services, alcohol and drug abuse services, services to children, youth and  
13      families, family counseling, early intervention services for children from birth to the  
14      age of 3, and manpower services. "Human services" does not include child welfare  
15      services administered by the department of children and families under s. 48.48 (17)  
16      ~~administered by the department in a county having a population of 500,000 or more.~~

17      **SECTION 3.** 46.215 (1) (intro.) of the statutes is amended to read:

18      46.215 (1) CREATION; POWERS AND DUTIES. (intro.) ~~In~~ Except as provided in ss.  
19      49.155 (3g), 49.78 (1r), 49.825, and 49.826, in a county with a population of 500,000  
20      or more the administration of welfare services, other than child welfare services

1 administered by the department of children and families under s. 48.48 (17)  
2 ~~administered by the department and except as provided in ss. 49.155 (3g), 49.78 (1r),~~  
3 ~~49.825, and 49.826,~~ is vested in a county department of social services under the  
4 jurisdiction of the county board of supervisors under s. 46.21 (2m) (b) 1. a. Any  
5 reference in any law to a county department of social services under this section  
6 applies to a county department under s. 46.21 (2m) in its administration under s.  
7 46.21 (2m) of the powers and duties of the county department of social services.  
8 Except as provided in ss. 49.155 (3g), 49.78 (1r), 49.825, and 49.826, the county  
9 department of social services shall have the following functions, duties, and powers,  
10 and such other welfare functions as may be delegated to it:

11 **SECTION 4.** 48.06 (1) (title) of the statutes is amended to read:

12 48.06 (1) (title) COUNTIES WITH A POPULATION OF ~~500,000~~ 750,000 OR MORE.

13 **SECTION 5.** 48.06 (1) (a) 1. of the statutes is amended to read:

14 48.06 (1) (a) 1. In counties with a population of ~~500,000~~ 750,000 or more, the  
15 department shall provide the court with the services necessary for investigating and  
16 supervising child welfare and unborn child welfare cases under this chapter. The  
17 department is charged with providing child welfare and unborn child welfare intake  
18 and dispositional services and with administration of the personnel and services of  
19 the child welfare and unborn child welfare intake and dispositional sections of the  
20 department. The department shall include investigative services for all children and  
21 unborn children alleged to be in need of protection or services to be provided by the  
22 department.

23 **SECTION 6.** 48.06 (2) (title) of the statutes is amended to read:

24 48.06 (2) (title) COUNTIES WITH A POPULATION UNDER ~~500,000~~ 750,000.

25 **SECTION 7.** 48.06 (2) (a) of the statutes is amended to read:



1           48.06 (2) (a) In counties having less than ~~500,000~~ 750,000 population, the  
2 county board of supervisors shall authorize the county department or court or both  
3 to provide intake services required by s. 48.067 and the staff needed to carry out the  
4 objectives and provisions of this chapter under s. 48.069. Intake services shall be  
5 provided by employees of the court or county department and may not be  
6 subcontracted to other individuals or agencies, except any county which had intake  
7 services subcontracted from the county sheriff's department on April 1, 1980, may  
8 continue to subcontract intake services from the county sheriff's department. Intake  
9 workers shall be governed in their intake work, including their responsibilities for  
10 recommending the filing of a petition and entering into an informal disposition, by  
11 general written policies which shall be formulated by the circuit judges for the  
12 county, subject to the approval of the chief judge of the judicial administrative  
13 district.

14           **SECTION 8.** 48.06 (3) of the statutes is amended to read:

15           48.06 (3) INTAKE SERVICES. The court, the department in a county having a  
16 population of ~~500,000~~ 750,000 or more, or the county department responsible for  
17 providing intake services under s. 48.067 shall specify one or more persons to provide  
18 intake services. If there is more than one such worker, one of the workers shall be  
19 designated as chief worker and shall supervise other workers.

20           **SECTION 9.** 48.06 (4) of the statutes is amended to read:

21           48.06 (4) STATE AID. State aid to any county for court services under this section  
22 shall be at the same net effective rate that each county is reimbursed for county  
23 administration under s. 48.569. Counties having a population of less than ~~500,000~~  
24 750,000 may use funds received under s. 48.569 (1) (d), including county or federal  
25 revenue sharing funds allocated to match funds received under s. 48.569 (1) (d), for

1 the cost of providing court attached intake services in amounts not to exceed ~~50%~~ 50  
2 percent of the cost of providing court attached intake services or \$30,000 per county  
3 per calendar year, whichever is less.

4 **SECTION 10.** 48.069 (1) (intro.) of the statutes is amended to read:

5 48.069 (1) (intro.) The staff of the department, the court, a county department  
6 or a licensed child welfare agency designated by the court to carry out the objectives  
7 and provisions of this chapter, or, in a county having a population of ~~500,000~~ 750,000  
8 or more, the department or an agency under contract with the department to provide  
9 dispositional services, shall:

10 **SECTION 11.** 48.069 (2) of the statutes is amended to read:

11 48.069 (2) Except in a county having a population of ~~500,000~~ 750,000 or more,  
12 licensed child welfare agencies and the department shall provide services under this  
13 section only upon the approval of the agency from whom services are requested. In  
14 a county having a population of ~~500,000~~ 750,000 or more, the department or, with the  
15 approval of the department, a licensed child welfare agency shall provide services  
16 under this section.

17 **SECTION 12.** 48.069 (3) of the statutes is amended to read:

18 48.069 (3) A court or county department responsible for disposition staff or, in  
19 a county having a population of ~~500,000~~ 750,000 or more, the department may agree  
20 with the court or county department responsible for providing intake services that  
21 the disposition staff may be designated to provide some or all of the intake services.

22 **SECTION 13.** 48.48 (16m) of the statutes is amended to read:

23 48.48 (16m) To employ under the unclassified service in an office of the  
24 department that is located in a 1st class city a director of the office of urban  
25 development who shall be appointed by the secretary to serve at the pleasure of the

1 secretary and who shall coordinate the provision of child welfare services in a county  
2 having a population of ~~500,000~~ 750,000 or more with the implementation of the  
3 Wisconsin works program under ss. 49.141 to 49.161 in a county having a population  
4 of ~~500,000~~ 750,000 or more.

5 **SECTION 14.** 48.48 (17) (a) (intro.) of the statutes is amended to read:

6 48.48 (17) (a) (intro.) In a county having a population of ~~500,000~~ 750,000 or  
7 more, to administer child welfare services and to expend such amounts as may be  
8 necessary out of any moneys which may be appropriated for child welfare services  
9 by the legislature, which may be donated by individuals or private organizations or  
10 which may be otherwise provided. The department shall also have authority to do  
11 all of the following:

12 **SECTION 15.** 48.56 (title) of the statutes is amended to read:

13 **48.56 (title) Child welfare services in counties having populations of**  
14 **less than ~~500,000~~ 750,000.**

15 **SECTION 16.** 48.56 (1) of the statutes is amended to read:

16 48.56 (1) Each county having a population of less than ~~500,000~~ 750,000 shall  
17 provide child welfare services through its county department.

18 **SECTION 17.** 48.561 (title) of the statutes is amended to read:

19 **48.561 (title) Child welfare services in a county having a population of**  
20 **~~500,000~~ 750,000 or more.**

21 **SECTION 18.** 48.561 (1) of the statutes is amended to read:

22 48.561 (1) The department shall provide child welfare services in a county  
23 having a population of ~~500,000~~ 750,000 or more.

24 **SECTION 19.** 48.561 (2) of the statutes is amended to read:

1           48.561 (2) The department shall employ personnel in a county having a  
2           population of ~~500,000~~ 750,000 or more who devote all of their time directly or  
3           indirectly to child welfare services. Whenever possible, these personnel shall be  
4           social workers certified under ch. 457.

5           **SECTION 20.** 48.561 (3) (a) (intro.) of the statutes is amended to read:

6           48.561 (3) (a) (intro.) A county having a population of ~~500,000~~ 750,000 or more  
7           shall contribute \$58,893,500 in each state fiscal year for the provision of child welfare  
8           services in that county by the department. That contribution shall be made as  
9           follows:

10          **SECTION 21.** 48.561 (3) (b) of the statutes is amended to read:

11          48.561 (3) (b) The department of administration shall collect the amount  
12          specified in par. (a) 3. from a county having a population of ~~500,000~~ 750,000 or more  
13          by deducting all or part of that amount from any state payment due that county  
14          under s. 79.035, 79.04, or 79.08. The department of administration shall notify the  
15          department of revenue, by September 15 of each year, of the amount to be deducted  
16          from the state payments due under s. 79.035, 79.04, or 79.08. The department of  
17          administration shall credit all amounts collected under this paragraph to the  
18          appropriation account under s. 20.437 (1) (kw) and shall notify the county from which  
19          those amounts are collected of that collection. The department may not expend any  
20          moneys from the appropriation account under s. 20.437 (1) (cx) for providing services  
21          to children and families under s. 48.48 (17) until the amounts in the appropriation  
22          account under s. 20.437 (1) (kw) are exhausted.

23          **SECTION 22.** 48.563 (1) (a) of the statutes is amended to read:

24          48.563 (1) (a) Within the limits of available federal funds and of the  
25          appropriations under s. 20.437 (1) (b), (cx), (km), and (o), the department shall

1 distribute funds for children and family services to county departments as provided  
2 in subs. (2), (3), and (7m) and s. 48.986.

3 **SECTION 23.** 48.569 (1) (am) of the statutes is amended to read:

4 48.569 (1) (am) The department shall reimburse each county from the  
5 appropriations under s. 20.437 (1) (b), (cx), (km), and (o) for children and family  
6 services as approved by the department under ss. 46.22 (1) (b) 2. f. and (e) 3. b.

7 **SECTION 24.** 48.569 (1) (d) of the statutes is amended to read:

8 48.569 (1) (d) From the appropriations under s. 20.437 (1) (b), (cx), (km), and  
9 (o), the department shall distribute the funding for children and family services,  
10 including funding for foster care or subsidized guardianship care of a child on whose  
11 behalf aid is received under s. 48.645 to county departments as provided under s.  
12 48.563. County matching funds are required for the distribution under s. 48.563 (2).  
13 Each county's required match for the distribution under s. 48.563 (2) shall be  
14 specified in a schedule established annually by the department. Matching funds  
15 may be from county tax levies, federal and state revenue sharing funds, or private  
16 donations to the county that meet the requirements specified in sub. (1m). Private  
17 donations may not exceed 25 percent of the total county match. If the county match  
18 is less than the amount required to generate the full amount of state and federal  
19 funds distributed for this period, the decrease in the amount of state and federal  
20 funds equals the difference between the required and the actual amount of county  
21 matching funds.

22 **SECTION 25.** 48.645 (2) (a) 2. of the statutes is amended to read:

23 48.645 (2) (a) 2. A county or, in a county having a population of 500,000 750,000  
24 or more, the department, on behalf of a child in the legal custody of a county  
25 department under s. 46.215, 46.22, or 46.23 or the department under s. 48.48 (17) or

1 on behalf of a child who was removed from the home of a relative as a result of a  
2 judicial determination that continuance in the home of a relative would be contrary  
3 to the child's welfare for any reason when the child is placed in a licensed residential  
4 care center for children and youth by the county department or the department.  
5 Reimbursement shall be made by the state as provided in subd. 1.

6 **SECTION 26.** 48.645 (2) (a) 3. of the statutes is amended to read:

7 48.645 (2) (a) 3. A county or, in a county having a population of ~~500,000~~ 750,000  
8 or more, the department, when the child is placed in a licensed foster home, group  
9 home, or residential care center for children and youth or in a subsidized  
10 guardianship home by a licensed child welfare agency or by a governing body of an  
11 Indian tribe in this state or by its designee, if the child is in the legal custody of the  
12 county department under s. 46.215, 46.22, or 46.23 or the department under s. 48.48  
13 (17) or if the child was removed from the home of a relative as a result of a judicial  
14 determination that continuance in the home of the relative would be contrary to the  
15 child's welfare for any reason and the placement is made under an agreement with  
16 the county department or the department.

17 **SECTION 27.** 938.06 (1) (title) of the statutes is amended to read:

18 938.06 (1) (title) COUNTIES WITH A POPULATION OF ~~500,000~~ 750,000 OR MORE.

19 **SECTION 28.** 938.06 (1) (a) 1. of the statutes is amended to read:

20 938.06 (1) (a) 1. In counties with a population of ~~500,000~~ 750,000 or more, the  
21 county board of supervisors shall provide the court with the services necessary for  
22 investigating and supervising cases under this chapter by operating a children's  
23 court center under the supervision of a director who is appointed as provided in s.  
24 46.21 (1m) (a). Except as otherwise provided in this subsection, the director is the  
25 chief administrative officer of the center and of the intake and probation sections and

1 juvenile detention facilities of the center. The director is responsible for managing  
2 the personnel of, and administering the services of, the sections and the juvenile  
3 detention facilities, and for supervising operation of the physical plant and  
4 maintenance and improvement of the buildings and grounds of the center.

5 **SECTION 29.** 938.06 (2) (title) of the statutes is amended to read:

6 938.06 (2) (title) COUNTIES WITH A POPULATION UNDER ~~500,000~~ 750,000.

7 **SECTION 30.** 938.06 (2) (a) of the statutes is amended to read:

8 938.06 (2) (a) In counties having less than ~~500,000~~ 750,000 population, the  
9 county board of supervisors shall authorize the county department or the court, or  
10 both, to provide intake services under s. 938.067 and the staff needed to provide  
11 dispositional services under s. 938.069. Intake services shall be provided by  
12 employees of the court or the county department and may not be subcontracted to  
13 other individuals or agencies, except as provided in par. (am). Intake workers shall  
14 be governed in their intake work, including their responsibilities for requesting the  
15 filing of a petition and entering into a deferred prosecution agreement, by general  
16 written policies established by the circuit judges for the county, subject to the  
17 approval of the chief judge of the judicial administrative district.

18 **SECTION 31.** 938.06 (4) of the statutes is amended to read:

19 938.06 (4) STATE AID. State aid to any county for juvenile delinquency-related  
20 court services under this section shall be at the same net effective rate that each  
21 county is reimbursed for county administration under s. 48.569, except as provided  
22 in s. 301.26. Counties having a population of less than ~~500,000~~ 750,000 may use  
23 funds received under ss. 48.569 (1) (d) and 301.26, including county or federal  
24 revenue sharing funds allocated to match funds received under s. 48.569 (1) (d), for  
25 the cost of providing court attached intake services in amounts not to exceed ~~50%~~ 50

1 percent of the cost of providing court attached intake services or \$30,000 per county  
2 per calendar year, whichever is less.

3 (END)



**2013-2014 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0068/3ins  
GMM.....

(INSERT 8-2)

1           **SECTION 1.** 48.563<sup>✓</sup> (4) of the statutes is created to read:

2           48.563 (4) POSTREUNIFICATION SERVICES. If a demonstration project authorized

3           under 42 USC 1320a-9<sup>✓</sup> reduces the cost of providing out-of-home care for children

4           in a county having a population of 750,000 or more, from the appropriations under

5           s. 20.437 (1) (cx)<sup>✓</sup> and (o)<sup>✓</sup> the department may distribute the amount by which that

6           cost is reduced by that demonstration project in each fiscal year to county

7           departments for services for children and families to prevent the reentry of children

8           into out-of-home care.

(INSERT 8-2)

## Malaise, Gordon

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**From:** Major, Katrina L - DOA <Katrina.Major@wisconsin.gov>  
**Sent:** Friday, January 25, 2013 9:04 AM  
**To:** Malaise, Gordon  
**Cc:** Kraus, Jennifer - DOA  
**Subject:** 0068

Hi Gordon, on the IV-E waiver draft, there's a 500k in section 3. Is there a reason for that, and if not, can you change it to match the 750ks? Thanks